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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/689,977 10/13/00 BEIDEMAN

MM91/0411

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EXAMINER
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NGUYEN, P

ART UNIT	PAPER NUMBER
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2833

DATE MAILED:

04/11/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/689,977

Applicant(s)

BEIDEMAN, GARY S.

Examiner

Phuongchi T Nguyen

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892) 17) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 18) ☐ Notice of Informal Patent Application (PTO-152)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 19) ☐ Other: \_\_\_\_

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### DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the switch means is a multi-position rotary switch" in claim 2, line 2 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaston (US5424895) in view of Deng (US5876250).

In regards to claim 1, Gaston discloses an enhanced safety device combination comprises a cordset (31, 32, 33) connected to an apparatus or appliance (43), the cordset (31, 32, 33, 38) having a set of wires including at least a neutral wire (32) and a positive wire (31), a cordset plug (49) connected to the wires (31, 32, 33, 38), the wires (31, 32, 33, 38) are connected to switch means (54) to the apparatus or appliance (43), and a thermal cut-off device (51) (see Abstract lines 11-13) in series with one of second wires (38) and the apparatus or appliance (43) (see figures 4-6). Gaston lacks a fuse in the plug. However, Deng teaches a fuse (15) in the plug connected in series with the one of the wires or blades (13) (see figure 4). It would have been obvious to one ordinary skill at the time the invention was made to modify the plug of Gaston by

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having a fuse in the plug as taught by Deng to construct a safety in the plug when the fuse burned down.

In regards to claim 3, in addition to claim 1, the fuse can be in series with the positive wire.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaston (US5424895) in view of Deng (US5876250) as claim 1 above and further in view of Chou (US5814775).

Gaston lacks a multi-position rotary switch. However, Chou teaches the switch is a multi-position rotary switch (see figure 3). It would have been obvious to one ordinary skill at the time the invention was made to modify the plug of Gaston by having a fuse in the plug as taught by Deng to construct a safety in the plug when the fuse burned down and by having a rotary switch as taught by Chou for ease operating an enhanced safety device.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaston (US5424895) in view of Deng (US5876250) as claim 1 above, and further in view of Lu (US5249986).

Gaston lacks a plug cover and a cap. However, Deng teaches a plug cover (20) open at one side, a cap (22) to close off the open side, at least two spades (13) extending from the plug carried in the cover (20), and an outer layer (10) of plastic encapsulating the cover (20) and the cap (22), thereby preventing access to the fuse (15) (see figures 1, 2); and Lu teaches a cap (70) snaps into the cover (20). It would have been obvious to one ordinary skill at the time the invention was made to modify the plug of Gaston by having a plug cover and a cap as taught by

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Deng for having a container to hold the fuse and conductive blades, and by having a hook (73) to snap the cap into the cover for having a security to the fuse.

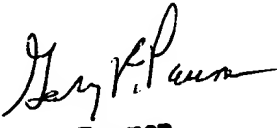
*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchi T Nguyen whose telephone number is (703) 305-0729. The examiner can normally be reached on Monday through Thursday from 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7723 for regular communications and (703) 305-7723 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7722.

April 6, 2001

  
Gary Paumen  
Primary Examiner